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**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE REQUESTED
GROUP 2822**

Attorney Docket :
33082 M 119

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CONFIRMATION NO.: 4442

In re Applicants: Hitoshi KATO, et al.

Serial No. : 10/066,627

Filed : February 6, 2002

Art Unit : 2822

Examiner : Maria F. Guerrero

For : PRECLEANING METHOD OF PRECLEANING A SILICON
NITRIDE FILM FORMING SYSTEM (AS AMENDED)

**LETTER TO EXAMINER, REQUESTING REFUND
OF EXTENSION OF TIME FEE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed April 26, 2004 relative to the above-identified application, Applicants timely filed an Amendment in Response to Final Rejection ("Amendment") on July 26, 2004. The Amendment was signed by Frederick Calvetti for Michael A. Makuch.

08/27/2004 HVU00001 00000026 10066627

01-FC:1251-

110.00-0P

On August 6, 2004, the U.S. Patent and Trademark Office mailed an Advisory Action, wherein the Examiner stated that the Amendment would not be entered because it was "signed by a person who is not the attorney of record and failed to provide a Registration number. An amendment must be signed by a person having authority to prosecute the application. An unsigned or improperly signed amendment will not be entered."

In response to the Advisory Action, Applicants are re-filing simultaneously with this Letter the Amendment with the signature of Michael A. Makuch, who has signed previous communications with the Patent Office relative to the instant application. Along with the Amendment, Applicants are filing a Petition for Extension of Time for one month, along with payment of the corresponding fee of \$110.

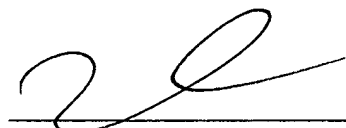
Applicants respectfully request a refund of the extension fee on the ground that Mr. Calvetti was authorized to sign the Amendment and, therefore, the Amendment should have been entered. As evidence of Mr. Calvetti's authority, submitted herewith is a copy of the Declaration filed in connection with the above-identified application, wherein the Declaration, on page 3 thereof, lists attorneys (along with their registration numbers) having a power of attorney to prosecute the application. Mr. Calvetti is among the listed attorneys and his registration number is provided next to his name. Therefore, Mr. Calvetti had authority to sign the Amendment and his registration number was a matter of record.

Also enclosed is a copy of a PTO-date-stamped postcard receipt showing that the Patent Office received the Declaration on February 6, 2002.

In view of Mr. Calvetti's authority and the fact that his registration number is of record, Applicants submit that the Amendment filed on July 26 was properly signed and should have been entered. If the Amendment had been entered, an extension of time fee would not have been required. Thus, Applicants submit that the extension of time fee should be refunded.

Respectfully submitted,
SMITH, GAMBRELL & RUSSELL, LLP

By:



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Date : August 26, 2004